

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US Patent No. 5,884,288).

As per claims 1-8 and 12-18, Chang et al disclose a system and method for in a which a subscriber subscribe to a service provider to provide payment to a payee. See the abstract. The system and method comprise:

Receiving a payment request to direct a payment to a payee on behalf of payor;

Transmitting information to the payee including at least one of information identifying the payor, information identifying a payment amount associated with the received payment request, and information identifying a bill;

Directing payment to the payee on behalf of the payor. Applicant is directed to the abstract, column 2, lines 39-67 of Chang et al.

Chang et al further teach processing the received payment to determine one or more payment parameters wherein the pre-posting information is transmitted to the payee via one of a time i) prior to the processing of the received payment request ii) upon completion of the processing of the payment request, or iii) upon completion of a debit associated with the payment request (see column 4, lines 44 to 67).

Chang et al further teach the determined one or more payment parameters includes at least one of i) an availability of payor funds prior to directing payment, ii) whether risk will be accepted in paying the payee on behalf of the payor, iii) a form of payment to the payee on behalf of the payor, iv) if the issued payment is to be a check, a check number of the payment, v) a date upon which payment to the payee will be issued, and vi) whether an account number of the payor with the payee included in the payment request conforms to an account scheme of the payee. See column 9, lines 4-54.

Chang et al disclose: the payor is one of a plurality of payers; the payment request is one of a plurality of received payment requests, each requesting that a payment be made to the payee on behalf of a respective one of the plurality of payers; See figures 8A and 8B.

Applicant's representative has amended the independent claim 1 to recite that the various steps are being performed by the payment service provider and argued that the prior art failed to teach or suggest transmitting by the service provider to the payee, the pre-posting information whereby the pre-posting information provides the payee information about the payment request prior to the payment service provider directing the payment to the payee.

In response, as per claims 1, 9 and 23 Chang et al. are directed to a system and method for providing an automatic electronic payment from a payor to a payee or merchant using a Web browser. See column 4, lines 13-25 of Chang et al. Chang et al. disclose a payor may register a plurality of payees to make periodical payment, recurring payment or a one time payment (see figure 8b of Chang et al.) to the one or more payees using a third party or bank system. Chang et al state that "The web browser also allows the payor 202 to formulate payment instructions 214 specifying the manner in which the electronic bills are to be paid, if at all. The electronic bill payment instructions 214 are transmitted to the payor bank 206 which then places a hold on the funds in the payor's account." (See column 4, lines 44-51 of Chang et al.). Thus, before payment is directed to a payee, the payor registers and provides pre-posting information as noted in figure 8b of Chang et al. The only difference between the claimed invention and Chang et al is that in the claimed invention, the pre-posting information is transmitted to the payee before a payment is made. As per this obvious difference, it is noted that the pre-posting information is known and stored in the system of Chang et al. Thus, if the pre-posting information is desired to be sent to one or more payees, such would have been readily apparent and/or obvious to do by one of ordinary skill in the art at the time of the invention with the motivation of acknowledging that the payees are the appropriate recipients of the related payments thereby providing a more secure system. Furthermore, it should be noted that there are no functions or steps or actions being performed by the payees with the transmitted and/or received pre-posting information as such absent or present of this limitation does not add any patentable weight into the claim.

As per claims 10 and 20, it is well known that method of making a payment, the amount and date to pay a payee may be changed by the payor based on many factors. Thus, modifying the received payment request would have been obvious to do by the one of ordinary skill in the art in order to allow a flexible system. Then transmitting or notifying a payee of a change to at least a part of the transmitted pre-posting information would have been made by the one of ordinary skill in the art because the pre-posting information would have been stored in the system as indicated above.

Claims 11, 19, 24 and 25 are system claims containing limitations recited in claims 1 and 9, and these limitations are likewise rejected. The system of Templeton et al also comprises a communications interface associated with a payment service provider or bank and a processor associated with the payment service provider configured to receive from the communications interface, the payment request. Applicant is directed to figures 3-5 of Chang et al.

As per claims 21-22, see figure 8b of Chang et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner
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FP
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